

UNITED STATES OF AMERICA  
 NATIONAL TRANSPORTATION SAFETY BOARD  
 OFFICE OF ADMINISTRATIVE LAW JUDGES

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Investigation of:

MV ETHAN ALLEN,  
 LAKE GEORGE, NEW YORK,  
 OCTOBER 2, 2005

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 \* Docket No.: DCA 06 MM 001  
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Interview of: MICHAEL STAUFFACHER

Fort William Henry Resort and  
 Conference Center  
 Lake George, New York

Saturday,  
 October 8, 2005

The above-captioned matter convened, pursuant to  
 notice, at 10 a.m.

BEFORE: MORGAN TURRELL

## APPEARANCES:

MORGAN TURRELL  
National Transportation Safety Board

LIAM LARUE  
National Transportation Safety Board

BRIAN CURTIS  
National Transportation Safety Board

SEAN QUIRK  
Shoreline Cruises

SGT. WALTER SCHEDEL  
New York State Park Police

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I N T E R V I E W

(10:00 a.m.)

MR. TURRELL: Okay. Good morning. It's October 8th, 2005, 10 o'clock in the morning. We're at the Fort William Henry Conference Center. It's Morgan Turrell, National Transportation Safety Board. We're interviewing a witness of the Ethan Allen accident, and we'll go ahead and introduce ourselves.

To my left?

MR. S. QUIRK: Sean Quirk, Shoreline Cruises.

SGT. SCHEDEL: Sergeant Walt Schedel, New York State Park Police.

MR. LARUE: Liam Larue, NTSB.

MR. CURTIS: Brian Curtis, engineering investigator, NTSB.

## INTERVIEW OF MICHAEL STAUFFACHER

BY MR. TURRELL:

Q. And, Mike, if you would just go ahead and introduce yourself and spell your name.

A. Mike Stauffacher, and that's S-t-a-u-f-f-a-c-h-e-r.

Q. Okay. And what city and state do you live in?

A. I live in New York State; I live in Saratoga, New York.

Q. Okay. And what's your occupation, sir?

A. Elevator mechanic of the Veteran's Administration.

1 Q. Okay. How long have you worked there?

2 A. Twenty years for them; prior to that, Otis Elevator  
3 for nineteen years.

4 Q. And do you come to Lake George often?

5 A. Quite a bit.

6 Q. And for what purpose?

7 A. Usually for sailing or outings on my own boat.

8 Q. Okay. When you say "quite a bit," can you give us an  
9 estimate of how many times a year?

10 A. I would say maybe between 30 and 50 times a year.

11 Q. And what type of boat do you own?

12 A. I own a Maria (ph.) myself, a 26-foot boat, and  
13 usually if I come up here, I'm on a Hunter 31 7, fairly new.

14 Q. And the Maria 26 is a motorboat. Is that --

15 A. It's a motorboat, yes.

16 Q. And how do you describe that motorboat in -- as far  
17 as the layout, its engine and so forth?

18 A. Open bow, 350 horse.

19 Q. And the Hunter 31 7 is a sailboat?

20 A. Yes.

21 Q. And who owns the Hunter 31 7?

22 A. Brian Botchum (ph.).

23 Q. And is he any relation to you?

24 A. No. He's just a very close friend.

25 Q. Okay. And how long have you been a boater?

1           A.    Oh, boy.   Since I was seventeen.

2           Q.    And are you a diver?

3           A.    Yes, I am.

4           Q.    Thank you.   Can you describe your diving experience?

5           A.    Diving experience is mainly on the ocean.   I'm not a  
6 master diver, but I am a novice diver, I would say.

7           Q.    Okay.   So, besides Lake George, what other areas have  
8 you been a boater?

9           A.    The Caribbean, Long Island.   I'm very familiar more  
10 with Lake George area since I race up here, too, on sailboats,  
11 24 Jays (ph.), 30-foot Jays.   We do the races overnight in the  
12 sound.

13          Q.    Okay.   So do you know the Quirk family?

14          A.    No.

15          Q.    Have you ever had occasion to ride the -- any of the  
16 Shoreline boats?

17          A.    The larger ones, yes, I have.   I even taken weddings  
18 on the main big one there, the Mohican I believe it is.

19          Q.    The Lake George Steamship Company.

20          A.    Yes.

21          Q.    Okay.   So the Mohican?

22          A.    Mohican.

23          Q.    Have you been on the Horicon or the Adirondac?

24          A.    No, I haven't.

25          Q.    Have you ever ridden on the Ethan Allen?

1 A. No. And I'm not familiar with it either.

2 Q. Okay. Have you seen them on the lake before?

3 A. Yes.

4 Q. How often have you seen them on the lake?

5 A. If I come down to the southern area, I see them  
6 riding around a lot.

7 Q. And, generally, what area are they -- do you see --

8 A. Lake George -- the Lake George area, the Shoreline.

9 Q. Okay. Michael, if you'd just kindly give us a  
10 narrative description of the events on October 2nd, where you  
11 were, what you saw, times, if you can, in as much detail as  
12 possible.

13 A. We were coming from the north going south, and we  
14 were coming along the Long Island area from Harris Bay. We  
15 were traveling down to have lunch at the Boat House, and we  
16 started off around 12:30, I believe, 12, 12:30 somewhere in  
17 that area, and it took a while to get down.

18 We stopped and we didn't have any wind that day.  
19 There was no wind, so we had to motor down.

20 Q. So you were on the Hunter, correct?

21 A. No, we weren't. We were on --

22 Q. Maria?

23 A. -- a different sailboat. It was an Oday (ph.)  
24 twenty -- 28, I believe, 28 30, some -- I'm not sure what --

25 Q. 28 30 Oday?

1           A.    Yeah.

2           Q.    And there was no wind?

3           A.    There was no wind.  So we motored all the way down.  
4  We had six people on the boat.

5           Q.    Okay.

6           A.    We pulled up to the restaurant and tied up, and there  
7  was hardly anybody in the restaurant, but they were open for  
8  business.

9           Q.    Okay.

10          A.    I know the Giants game was on TV, and I was  
11  interested in seeing what the score was.

12          Q.    Okay.

13          A.    We sat down towards the window.  My back was to the  
14  window at the time.

15          Q.    Okay.

16          A.    We were -- and we were right next to the window.  
17  Okay.  I was.  Everybody started ordering what they wanted, and  
18  we didn't have a meal yet at the time when we were all talking,  
19  and no one was really talking to me, but I was gazing out the  
20  window like I usually do because of the scenery.

21          Q.    Okay.

22          A.    And I saw the Ethan Allen approaching about --  
23  roughly around 300 yards away, just keeping an eye on it, not  
24  really seeing anything at 300 yards, but as it got closer, I  
25  did notice that -- I had my sunglasses on at that time, and I



1 noticed that the boat was more filled than usual, and usually,  
2 when I see the Ethan Allen or the Shoreline boat, I see maybe  
3 25 to a lower amount on the boat, but this time, I spotted  
4 every seat was basically taken in the front. The majority of  
5 the people, three quarters of the boat was forward, and I saw  
6 one person standing up about five feet in front of the  
7 captain's station, and I didn't see anybody in back of that  
8 gentleman. There was like a five-foot area that was free of  
9 people or anything like that from the captain.

10 So I would say maybe about this far, and this  
11 gentleman was standing straight up, just standing there in the  
12 center of the boat.

13 Now my vantage point from that time was I would say  
14 25 to 30 feet looking down in the boat, and the boat was  
15 between 125 yards offshore going about ten to fifteen knots in  
16 my opinion.

17 The one unusual thing that I was looking at, at the  
18 time was, of course, there was a lot of people in there. I  
19 commented to myself that that was a lot of people on that boat,  
20 but what I did recognize is the boat was just about at that  
21 point hitting a wave, which was about a foot and a half, which  
22 was caused by another boat coming by -- a wake, I should say,  
23 two of them in a row, two good-size wakes.

24 Q. Okay.

25 A. As the boat hit the first wake that it was trying to

1 go over, the captain made a little turn towards the wake to try  
2 to break it up evenly like I would if I was a boater.

3 Q. Okay.

4 A. And, when he hit the first wake, the boat went to --  
5 port is right?

6 Q. Port is left.

7 A. Port is left. He made an in-port turn into it, and  
8 then it did a five to ten-degree correction to starboard, and  
9 then back again and then hit the wave again and did the same  
10 thing. That caught my eye. And I looked towards the back of  
11 the boat, and usually when you see the boat sitting there, the  
12 boat is like this on the back of the boat where the motor is  
13 down below it.

14 This time, the boat was straight up and down. I did  
15 notice that because I paid attention to it as the boat was  
16 making its turn through the wave. The -- it was up horizontal.  
17 It wasn't to the back of the angle of the bow. It was more  
18 like this, meaning the boat was down into the water more than  
19 the front.

20 Q. So let me just -- I'll have you just draw it on a  
21 piece of paper, if you would.

22 A. Can I have a pen?

23 Q. Sure.

24 A. I'm sorry.

25 Q. Well, first, what I want to do is just draw the

1 vantage point, the Shoreline and the route of travel of the  
2 Ethan Allen through your vantage point.

3 A. You mean to the --

4 Q. From the start of Shoreline, your restaurant  
5 location.

6 A. This is our sailboat. Okay?

7 Q. Okay. So the sailboat is out in front of the  
8 restaurant.

9 A. In front of the restaurant and --

10 Q. Where would the restaurant be and where were you  
11 seated?

12 A. This would be the front of the restaurant.

13 Q. Okay.

14 A. The windows -- there was an outside area right here.

15 Q. Okay.

16 A. I was probably in the location of the restaurant  
17 right here sitting at the table.

18 Q. Okay.

19 A. And there was a couple other tables this way --

20 Q. Okay.

21 A. -- and the bar is set over here. I believe this  
22 point to this point probably 150 foot.

23 Q. Okay.

24 A. To the end of the -- to where our boat was sitting at  
25 the time. There's a lot of glass in the front of the

1 restaurant here.

2 Q. Okay.

3 A. The Ethan Allen started approaching from this  
4 direction heading north past us. At this point here, I was  
5 watching about -- this is about 300 yards away. I was watching  
6 it from this point. The waves were coming in from here -- I  
7 would say here.

8 Q. And the waves were coming from which direction?

9 A. I believe the boat -- I'm not going to say that for  
10 sure, but the boat was going north also, and these waves were  
11 the result of the boat that passed by, and I'm not sure  
12 which -- who did it, what boat, what the boat looked like, but  
13 the Ethan Allen made a correction into the wave here and hit  
14 the wave here in front of me, and I was here in this direction.

15 Q. Okay.

16 A. Out in this area. And, when the Ethan Allen made a  
17 correction here, it made a correction of five degrees to the  
18 right.

19 Q. You see it first turn to the left, you said --

20 A. It first turned to the left to go into the wave.

21 Q. Okay.

22 A. I did see that.

23 Q. Okay.

24 A. And then he made a correction when the wave went down  
25 or when the boat went down, it made a small correction of --

1 Q. To continue its travel north?

2 A. Yes.

3 Q. Okay.

4 A. Five to ten degrees. From that angle, I'd count  
5 probably five degrees.

6 Q. Sure.

7 A. And the second bump, it made the same thing, but the  
8 one big thing about the boat when I described the back of the  
9 boat --

10 Q. And, if you'd just draw that on another piece of  
11 paper perhaps for us.

12 A. That would be great. Thanks. I'll show you and then  
13 I'll show them.

14 Q. Uh-huh.

15 A. The boat is traveling in this way here with the wave  
16 coming. The back of the Ethan Allen was like this. Right.  
17 Now this is the point that I'm talking about. This at the time  
18 when I saw the boat, this was vertical in the waves.

19 Q. Okay.

20 A. It was straight up and down. And I showed that on --  
21 this is the back of the boat, and at that time, there is a  
22 water line that comes on the boat right here, and --

23 Q. When you say "water line," how would you describe  
24 that exactly? What --

25 A. Well, it's -- it appeared dark to me at this point

1 here because of the shadow of probably the sun area, but  
2 it's -- it appeared to be dark in color, but it was dark green.  
3 It appeared --

4 Q. So a painted area on the --

5 A. Yeah. I did see the painted area show at this point  
6 here, too.

7 Q. Okay.

8 A. And the bow of the boat was more into the water about  
9 like this in the front more, but a lot more people in the  
10 front, and the boat kind of plunged like this into the waves,  
11 and then made a correction, then plunged in again and made a  
12 small correction again.

13 And it looked like at that time when the boat was  
14 going through the waves, the captain had a little difficulty  
15 steering it, but that big of a boat I don't think he had that  
16 much difficulty.

17 One thing I did notice about the boat, it wasn't  
18 making a clean cut in the water. It was pushing the water  
19 ahead of it, and when the boat is pushing water ahead of it, it  
20 looks like a tugboat effect --

21 Q. Right.

22 A. -- where the water is being pushed when it hit these  
23 two waves.

24 Q. Okay.

25 A. And then, when the boat was going away from me, it

1 hit another group of waves, and I could definitely see the aft  
2 of the boat, that waterline appeared once again, and I kept my  
3 eye on it and why this boat was traveling through the waves at  
4 that time -- I turned to the person that was sitting next to  
5 me, and I said, you know, "Hey, look," and she turned around,  
6 and I said, "That boat is really -- it has a lot more people  
7 than I've ever seen on the boat before." I said, "That boat  
8 is -- you know, that boat is loaded up."

9 Q. Uh-huh.

10 A. I said to her, "I never seen that many people on that  
11 cruise line have so many people on the boat."

12 Q. Okay.

13 A. And I was pointing out to her, you know, that that's  
14 unusual, and I -- when I tapped her on the shoulder to make her  
15 turn around and look which, was Mary Ellen -- Mary Jane,  
16 rather, excuse me -- she turned around and she took a look at  
17 the boat, and we both recognized it was the Shoreline's cruises  
18 boat, and we started talking about it.

19 And, as the boat slowly got out of sight, we were  
20 saying that I thought the boat was -- I personally thought the  
21 boat was overloaded, and when I saw it hit the -- start pushing  
22 the water up ahead, I thought that the boat was definitely  
23 overloaded by that point, but that's my own opinion. That's  
24 not, you know --

25 Q. Uh-huh.

1           A.    That was running in my head.  It wasn't --

2           Q.    Sure.

3           A.    Okay.

4           Q.    If you could, Mike, on another piece of paper, do a  
5    diagram of the wave being pushed in front of the boat, if you  
6    could to the best of your ability, showing the bow and the wave  
7    is pushing.

8           A.    My artist ability.

9           Q.    Okay.

10          A.    All right.  If -- geez, I had my camera with me, too,  
11    and I never even thought about taking pictures in the front,  
12    but if I had to give a level at this point of the boat and say  
13    how far that would be down from level, I would say about a two-  
14    foot drop from the front.  That just went down from a level  
15    point on the boat, when the boat was down in the front when it  
16    took the first wave, I say a two-foot --

17          Q.    Okay.  So the bow --

18          A.    -- the nose would be two foot from level down into  
19    the water.

20          Q.    Okay.  So the bow descended two feet below the level  
21    plain --

22          A.    Yes.

23          Q.    -- and then returned to that level plain or above it?

24          A.    It was still down --

25          Q.    Right.



1           A.    -- but I'm saying it took a two-foot drop into the  
2 wave and then came back up and then a two-foot drop forward  
3 into the wave again, and then it made a correction.

4           Q.    And it did that twice --

5           A.    It did it twice in front of me.

6           Q.    Okay. Now how -- did you see any white caps on that  
7 wave that you've drawn on the diagram --

8           A.    Yes --

9           Q.    -- pushing on that bow wave?

10          A.    Yes. It was white -- it was curdling up white in  
11 front of them, yes.

12          Q.    Did you see any wake coming off the boat laterally  
13 coming off or behind the boat besides the bow wave?

14          A.    No.

15          Q.    Okay. Did you know that it was the Ethan Allen when  
16 it went by? Could you see the name of the boat on the side --

17          A.    Yes, definitely.

18          Q.    Okay. And, if you could just -- on another piece of  
19 paper, if you could just do a more rough diagram of the actual  
20 angle, how far the bow was down. You said the boat was down by  
21 the head. If you could just do a real rough --

22          A.    Okay. I understand.

23          Q.    Let me pause just for a second while we draw on that.

24                   (Off the record.)

25                   (On the record.)

1 MR. TURRELL: We're back again.

2 MR. STAUFFACHER: I think that's pretty close.

3 BY MR. TURRELL:

4 Q. Okay.

5 A. Waterline and so forth.

6 Q. These three diagrams, if you could just put your name  
7 and date on those for us, that would be great. It won't be  
8 hanging in the Smithsonian but --

9 A. I'm not sure they'd want it.

10 Q. You never know, you could be --

11 A. Just M.S. is good?

12 Q. And the date.

13 A. What day is today? One thing is when the Ethan Allen  
14 was going by straight out from this view right here --

15 Q. Yes.

16 A. -- right out in front of our sailboat --

17 Q. Right.

18 A. -- the back angle of this boat was pretty close to  
19 being like this also at this angle.

20 Q. Okay.

21 A. So the back of the boat was more -- you could tell it  
22 was -- a lot of people were up forward, and I could see into  
23 the boat, and I did see a lot of people forward on the boat.

24 Q. Okay.

25 A. This was almost vertical.

1 Q. Okay.

2 A. But, when it did hit the wave, it was definitely  
3 vertical, up and down.

4 Q. Now, on this particular diagram here, you said -- if  
5 you diagram the people on the boat, just --

6 A. Okay.

7 Q. -- best you can.

8 A. Okay. One person in particular was standing up right  
9 here, and the gentleman I believe had a crew cut. So -- and he  
10 had black hair. So --

11 And the majority of the people were looking out here.  
12 Now I did have some glare as the people -- the boat shifted one  
13 side to the other. Yeah, that's another thing. This boat did  
14 rock a little bit this way as it hit the waves also.

15 Q. Okay.

16 A. But the glare from the glass that was on the boat did  
17 take a reflection of the water and then came back up again, and  
18 then took another dip on it. I could see clearly into the  
19 boat, and then I couldn't see clearly into the boat, but the  
20 major -- the major people were -- you could see them sitting on  
21 benches. I didn't see anybody standing.

22 Q. Okay.

23 A. And the ones towards -- towards me, I couldn't see  
24 that well because they were behind the glass and they were  
25 closer to me and they were down in -- but the ones that were in

1 the back I could definitely see people in the front, but one  
2 thing I want to say is because of the deck above the Bimini  
3 (sic), when we were out in the sailboat, I know you might say  
4 this is hearsay, but it shades the people down below, and they  
5 might have went forward to keep warm and the glass was keeping  
6 them warm. So they might have pushed up to stay a little  
7 warmer.

8 Q. Okay.

9 A. Between here and here with these people, it was --  
10 and the captain's panel where he sits -- now I never been on  
11 the Ethan Allen so I don't know if that's where he sits or  
12 doesn't sit, but there was a space about five to eight foot  
13 with no one behind that person that was standing.

14 Q. Okay. Can you put a timeframe on -- if you can, give  
15 us a time of day when you first saw the boat as to when it went  
16 out of --

17 A. Well, I was trying to say that, but I -- we were  
18 trying to say between 2:15, 2:30 or quarter to three, somewhere  
19 in there. I'm not sure, but we definitely seen the Ethan Allen  
20 come by. We know it was the boat. I wasn't paying attention  
21 to my watch at that time --

22 Q. Sure.

23 A. -- but I gave a reference because of the Giants game  
24 on, and --

25 Q. Can you tell us how long it took from the time you

1 saw the boat until the time you couldn't see the boat anymore,  
2 how long that took?

3 A. Between three and a half and four minutes.

4 Q. Okay. Was there any particular thing on the Giants  
5 game, particular first quarter, second quarter --

6 A. The Giants were winning.

7 Q. The Giants were winning. Well, that should narrow it  
8 down.

9 (Laughter.)

10 A. I think they were 22 -- what was the score, 17-22 or  
11 44 or something like that -- it was an unbelievable game.

12 Q. Okay.

13 A. Was I paying attention to it? No.

14 Q. Okay. Did you see any other passenger vessels while  
15 you were sitting at the restaurant; did you see any other --

16 A. Well, I thought and I can't swear to it, but I  
17 remember seeing another cruise ship coming from the opposite  
18 direction, but I don't know in relationship what time that was  
19 of that passing.

20 Q. So from the north to the south?

21 A. Yes.

22 Q. Okay.

23 A. From the opposite direction. And I really didn't pay  
24 attention to it.

25 Q. Okay.

1           A.    But I did remember seeing a larger vessel than mine.

2           Q.    Would you recall if it was larger than the Ethan  
3 Allen?

4           A.    Oh, yes.  No, it was one of the other liners.  I did  
5 see the paddleboat out there, and I did see the --

6           Q.    And, when you say you saw the "paddleboat," what --  
7 were you on a sailboat at that time or from the restaurant?

8           A.    I saw the paddleboat when we were going to the  
9 restaurant, and then I saw the paddleboat when we were in the  
10 restaurant again, and I'm not sure where I saw that.  I'm  
11 not -- I wasn't really --

12          Q.    But the boat going from north to south was larger  
13 than the Ethan Allen --

14          A.    Yes.  I believe it was closed-in glass.

15          Q.    Okay.  And you saw that while you were sitting at the  
16 restaurant?

17          A.    Yeah.

18          Q.    Roughly in the same timeframe that you saw the Ethan  
19 Allen?

20          A.    I'm not going to swear to it as far as the time  
21 relationship, but I did see it after I saw the Ethan Allen go  
22 by, and I'm not sure when it went by.

23          Q.    Okay.  But you think it was after?

24          A.    At that point -- yes.  At that point, I was starting  
25 to eat.  We just had our foot was -- it was coming.

1 Q. Okay. So, just to be clear, you saw the second  
2 larger passenger vessel that was larger than the Ethan Allen  
3 after you saw the Ethan Allen going from north to south?

4 A. Yes.

5 Q. Okay.

6 MR. TURRELL: I'll turn it over to Brian.

7 MR. CURTIS: Brian Curtis, NTSB.

8 BY MR. CURTIS:

9 Q. My questions will be more towards the engineering  
10 side, that part of the investigation.

11 Go back a little bit over the terms of the vessel; in  
12 other words, bow down or stern down. So you're saying before  
13 they even approached these waves, they were -- what was the  
14 trim of the vessel; was it --

15 A. You could tell it was down in the front because  
16 that's what -- that's what caught my eye when it was coming  
17 toward me. I know I was at an advantage point looking down on  
18 it, but I could tell by looking at the back of it, I could see  
19 the waterline on the back of the boat. It was appearing every  
20 time that even a little wave would come up, I could see the  
21 back of the waterline, toward the back.

22 Q. So could you estimate how far it was coming out of  
23 the water --

24 A. Six -- sometimes six inches. I could see it clearly.

25 Q. Okay. And was it plowing the water, as you said

1 earlier, at this point?

2 A. It was -- it was more noticeable when it did hit a  
3 wave. You could see it plow forward, and by plowing, what I  
4 mean is a tugboat effect in looking at it or compared to a plow  
5 on snow. It was pushing ahead. It wasn't pushing aside. It  
6 was pushing ahead of the boat.

7 Q. So it was doing this before the wave, and it went  
8 through this rolling action on the wave, and afterwards, did it  
9 go back to above the same trim as it was previously?

10 A. Yes.

11 Q. Did you notice any abnormal engine sounds, sputtering  
12 or anything; did you --

13 A. I was behind glass. No, I cannot say that.

14 Q. The windows, you mentioned they were down; do you  
15 recall if all of the windows were down, some of the windows  
16 were down on the Ethan Allen?

17 A. On the top of it, there was plates of glass that were  
18 in the front, and these were open. I mean, if there's an  
19 opening on the glass, I didn't know that.

20 Q. Okay.

21 A. But I couldn't tell. I thought that was all open on  
22 the top because I looked in between and see the people and the  
23 reflection was showing here. You could actually look down and  
24 see some of the people were sitting, you know, looking down on  
25 a vantage point looking down on it.



1           Q.   Did you notice if any of the seats were empty?  Could  
2 you see --

3           A.   Forward, no.

4           Q.   Could you see if there were empty seats or could you  
5 physically see the seats?

6           A.   I couldn't physically see anything that was in this  
7 area behind this gentleman.  There was like a whitish -- or a  
8 deck area that was down in here, and I couldn't see anybody or  
9 any seating at that point.

10          Q.   So you didn't see any empty seats?

11          A.   No, I didn't see any empty seats, but like I said, I  
12 don't know if there's any seats behind here, but here, there  
13 was no empty seats that I could see -- that I could see.

14          Q.   Just one more question.  As he went away and went  
15 around the turn of land, about how far would he have been off  
16 the point of land as he went --

17          A.   I would judge he was about the same, about 150 yards  
18 away from the shoreline as he passed that point.  There is a  
19 small point that's at the restaurant that you can't see any  
20 further, and he went beyond that point, and I couldn't see him  
21 anymore.  The jug (sic) is out there somewhere.  I don't think  
22 it's one the map that you can see.

23          Q.   Just one more question regarding the -- what you  
24 recall the captain's actions.  Did you see him on the radio  
25 or -- was he just handling the vessel or do you recall

1 anything --

2 A. No, he --

3 Q. -- off the captain?

4 A. It looked like he was talking to the gentleman that  
5 was in front of him, but you know, here I've been. I'm not in  
6 front of the glass. I can't hear. I can only, you know --  
7 just an opinion.

8 He might have been talking to the gentleman standing  
9 up because when the guy was looking, he was appearing to look  
10 at something on the shore ahead.

11 So he might have been on the speakerphone talking to  
12 him or talking to the group and everybody was paying attention;  
13 I don't know.

14 MR. CURTIS: I have no more questions right now,  
15 Mike. Thank you.

16 MR. TURRELL: Liam?

17 MR. LARUE: Just one question. Liam Larue, NTSB.

18 BY MR. LARUE:

19 Q. You mentioned that you could see the boat, you know,  
20 listing a little bit from side to side. Could you just go into  
21 a little bit more detail about it?

22 A. When it hit the wave, when it started the turn, I'd  
23 say five degrees, she did bow down in the front and she did  
24 turn. The waves pushed the boat to the side a little bit, and  
25 then it corrected, and then it -- you know, the back -- the

1 back actually came up.

2           You could see clearly from the rear that the  
3 waterline was showing, and it did tilt side to side like -- the  
4 best way to describe it, when you put two people in front of a  
5 rowboat and you're at the oars and you're trying to guide that  
6 boat, and you're hitting the waves, and all of a sudden, you  
7 know, the boat will kind of correct like this and you try to  
8 get the one oar specifically trying to correct your steering so  
9 you can go straight again, and sometimes you can't go straight,  
10 but in this case, you know, he did manage to recorrect.

11       Q. Did -- did the boat tend to list to one side or the  
12 other more in general?

13       A. Yes, it did. It -- when it tilted to the side this  
14 way --

15       Q. To which direction?

16       A. Toward the left-hand side of the boat.

17       Q. Thank you. So the boat tilted more to the left than  
18 usual?

19       A. Yes. The boat had a lot more white wave on it. I  
20 should have said that, too. I could -- when the boat was  
21 coming at me, I could see both the waves when they broke in  
22 front of the boat, the bow section, port and aft, left and  
23 right but as -- when the boat was at that vantage point when I  
24 saw it hit the waves, I did see the boat did tilt more to the  
25 right-hand -- or left-hand side, excuse me, than it did to the

1 left -- or the right.

2 Q. Okay. So the boat tilted more to the left side or  
3 port side than it did the right or starboard side?

4 A. Right.

5 Q. And can you give us some sort of visual cue as to how  
6 you -- how you could tell that? What vantage -- what reference  
7 point are you -- could you tell that?

8 A. I could see more -- more of the top than of the boat.

9 Q. Okay.

10 A. And I guess that would be a good indicator. The top  
11 of the boat, the canopy would show more --

12 Q. Okay.

13 A. -- visibly.

14 MR. LARUE: I have no further questions.

15 MR. TURRELL: Okay. Walter?

16 BY SGT. SCHEDEL:

17 Q. Just to expand a little bit on what you just said  
18 regarding the top of the boat.

19 A. The canopy.

20 Q. Yeah. You could see more of the canopy so we're  
21 making the assumption or --

22 A. I'm saying if the canopy was like this to you --

23 Q. Right.

24 A. -- and you were looking down on it, right, the canopy  
25 would show a lot more to you that way.

1 Q. Okay. All right. Now you were seated at the Boat  
2 House restaurant. Is that at water level or --

3 A. No --

4 Q. -- that's at an elevation above water level?

5 A. It's about -- as I explained earlier, I think it's  
6 about 25 to 30 feet vantage higher, and that's why I was able  
7 to see the people inside the boat sitting.

8 Q. So, from 30 -- 20 to 30 feet above, I mean, you're  
9 going to get a better view of the overhead but --

10 A. I know.

11 Q. -- what you saw was even lower.

12 A. I saw -- I saw it like this, but then you would see  
13 it more like that.

14 Q. All right. And I'm not a hundred percent sure I'm  
15 clear on the man you see standing, because at one point you  
16 said you saw a man standing five feet in front of the pilot --

17 A. The captain.

18 Q. -- and then at another point you said you didn't see  
19 anybody standing and then --

20 A. No. I meant, I did see one person standing, the one  
21 person --

22 Q. But no one other than that.

23 A. No one other than that. I'm sorry.

24 Q. If we go back to the wake that you saw come across,  
25 and you indicated that you can't describe the boat that left

1 that wake. Is that because you didn't see the boat or you just  
2 weren't paying that much attention to it or --

3 A. I didn't see the boat that made that wake, no.

4 Q. You did not see the boat?

5 A. I did not see it, but I can judge by being on the  
6 water how big that wake was, which I said it was about I  
7 believe a foot and a half up and a foot and a half down. So  
8 that's the size wake, but it left two good size wakes of that  
9 size. Because whatever you have on top of the surface usually  
10 is down below the surface.

11 Q. Right. And you have an equal depth --

12 A. Right. So it was about a foot and a half above the  
13 water and a foot and a half down below.

14 Q. And the only other larger cruise boat-type vessel  
15 that you saw out there was the one that you saw southbound  
16 after the Ethan Allen had passed?

17 A. Yes.

18 Q. You hadn't noticed any other ones out there other  
19 than the Minne earlier? The paddle wheeler.

20 A. I believe they were all out. I believe -- what did  
21 we have, the Mohican, the --

22 Q. The Mohican, the Minne-Ha-Ha --

23 A. The Minne-Ha-Ha is the paddleboat, right?

24 Q. The Minne-Ha-Ha is the paddleboat, yes, sir.

25 A. I did see the paddleboat on the -- let me see. That

1 would be the east shore -- west shore -- east shore. East  
2 shore. That would be the opposite end. They were going up in  
3 this area.

4 MR. TURRELL: East shore.

5 MR. STAUFFACHER: Right.

6 And the one that I did see, the bigger one came down  
7 through here. There was -- when we were going up here, we saw  
8 it go through the narrows. We were passing the narrows later  
9 on after we were sitting here for a while -- by the way, we did  
10 take pictures after the fact, but I didn't have anything of  
11 interest other than the police boats and the Allen sticking out  
12 of the water, and at that time, I didn't know it was the Allen.

13 I was trying to get some information, you know, what  
14 happened and we didn't know. We ended up -- Mary Jane actually  
15 called her brother-in-law who was a state trooper and found out  
16 that the Allen turned over, and that's how we found out what  
17 was going on.

18 In the meantime, we did take some pictures, but other  
19 than interest -- other boats around, that's all we got.

20 MR. TURRELL: Are they digital photographs?

21 MR. STAUFFACHER: Yes, they are.

22 MR. TURRELL: Could you kindly send them to me?

23 MR. STAUFFACHER: Sure.

24 MR. TURRELL: Not just the post-accident but also  
25 we'd like to see the boat before it sank. So--

1           MR. STAUFFACHER: We just have a little surface of  
2 it. We don't have very much.

3           MR. TURRELL: That's fine.

4           MR. STAUFFACHER: Okay.

5           MR. TURRELL: Do you recall if they're time stamped?

6           MR. STAUFFACHER: They might be.

7           MR. TURRELL: Okay. Great. So any photographs that  
8 you have from that day, we'd like to see them.

9           MR. STAUFFACHER: Okay.

10          MR. TURRELL: Walter, any more --

11          SGT. SCHEDEL: No. Thank you very much.

12          BY MR. TURRELL:

13          Q. Can you, Michael, just describe the color of the  
14 canopy --

15          A. It was white.

16          Q. White. Can you describe how many -- how many boats  
17 were out that day in general from your -- from your experience?

18          A. It wasn't heavily traveled. There was hardly -- all  
19 the sailboats, I believe they canceled the race. So there  
20 wasn't that many sailboats on the lake. I saw -- usually I see  
21 about a hundred boats down the south at a given time, but at  
22 this time, I bet you I only saw a handful, 25, 30 boats at any  
23 given time on the water, and -- which it's a fall day and it's  
24 a beautiful day, and nobody was really looking around, probably  
25 because of the gas prices, too.



1 Q. Can you describe the general lake conditions that day  
2 of the --

3 A. Very calm.

4 Q. Okay.

5 A. The only chop on it was actually boat traffic.

6 Q. Okay. And you said earlier there was no wind?

7 A. No wind.

8 Q. Visibility?

9 A. Infinity.

10 Q. Okay. And did you -- I know you -- Brian mentioned  
11 if you saw -- heard any engine noise. Did you see any smoke or  
12 exhaust from the boat?

13 A. No.

14 Q. Okay.

15 MR. TURRELL: Okay. Sean?

16 MR. S. QUIRK: Sean Quirk, Shoreline Cruises.

17 BY MR. S. QUIRK:

18 Q. The one clarification, the waves you said that you  
19 saw Ethan Allen, he was overtaking the waves by way -- coming  
20 from behind?

21 A. He was overtaking them.

22 Q. Overtaking them. Okay. And -- okay. And the  
23 windows, was that -- Brian was asking the windows, they were  
24 shut you said?

25 A. Yes.

1           Q.    Did you see glare?

2           A.    I saw glare from the -- if you -- if you put the  
3 whole thing over the top, your canopy and then down, there was  
4 a small area on top that was not closed, and all the windows  
5 were closed as they came by, yes. I thought they were fixed  
6 panels. Are they fixed panels? I don't know.

7           Q.    They're not fixed panels, no.

8           A.    Oh, then they were all closed because the glare on  
9 the water when it shined -- when the boat tilted, you could see  
10 there was glare all in the front, all in the sides.

11          Q.    Okay. Could it have been -- I don't know if I can  
12 ask or whatever, the windows are folded up. Okay. So, when  
13 the canopy rolled away from you, that could have given you a  
14 full glare like they were shut. Could that have been --

15          A.    I saw the canopies -- I mean, I saw the windows; if  
16 that was the case, they were closed. I definitely seen all the  
17 windows were closed.

18          Q.    Okay. And, on the lists that you were saying, the  
19 boat listing from side to side, that was going over the wave,  
20 right, and you're saying it was more towards the port side or  
21 left side than the right. Then after, you know, it calmed  
22 down, did it still have a list driving away or was that just  
23 from the waves?

24          A.    That was mainly from the waves. When the boat was  
25 coming more towards us, I couldn't see it listing to the left

1 or listing to the right, but I could definitely see that it was  
2 pushing the water as it was even coming towards me, but more so  
3 when it hit the wave, it really pushed the wave ahead, almost  
4 like it was plowing.

5 Q. Plowing, you said. Yeah. Okay. And you've been --  
6 you're an avid boater.

7 A. Oh, yes.

8 Q. Thirty, fifty times a season is quite good. Are you  
9 familiar with the Mohican's waves?

10 A. Yes, because I've been out there when that happens.

11 Q. All right. I'm just getting at would you consider  
12 those waves that she was overtaken, would they be the Mohican  
13 waves or size waves?

14 A. No.

15 Q. No. What would they be, smaller or bigger?

16 A. I would say -- well, I would say -- I don't remember  
17 when a 30-foot boat went by that was like a Carver (ph.) went  
18 by sometime. I mean, it could have been from that boat. I  
19 can't say definitely it was from that --

20 Q. Okay.

21 A. -- 30-foot Carver, but I would say a boat about that  
22 size would make about that size wave.

23 Q. Okay. And -- okay. And then you were saying other  
24 than the one boat -- I'm sorry to beat this to death, but other  
25 than the one boat heading south, you never saw another cruise

1 ship heading north?

2 A. No.

3 Q. No.

4 A. I know there was one up there because I went back  
5 through the restaurant -- I mean, you know, when we got out of  
6 the restaurant and saw the accident, that it happened, when we  
7 went going back up through Long Island, through the point, we  
8 had to wait for basically one of your big cruise lines to come  
9 through, and then we went through shortly after that and went  
10 into Harris Bay from that point.

11 Q. Okay. And, just for a timeline, you must have heard  
12 sirens and everything --

13 A. Oh, after -- after -- when we got on the boat, we  
14 started seeing the helicopters. From the restaurant, we  
15 started seeing the helicopters come in. They just started to  
16 show up when we got out of the restaurant. We had no knowledge  
17 of what was going on.

18 Q. Right.

19 A. We didn't know it was the Allen that went down. We  
20 didn't -- I didn't really find out that it was the Allen until  
21 we got to Harris Bay. Nobody was talking on the radio at all,  
22 and if somebody did get on the radio, we got shooed out of the  
23 area by the Light Torch Police, you know, the sailboat that  
24 such and such so many feet away, would you please move on, you  
25 know.

1           So I was at the helm at the time, and I just raised  
2 my hand and we started to head off. You know, we had no  
3 purpose to be there in the first place.

4           Q.    Could you give any estimate of when you were done  
5 eating or walking out of the restaurant? I mean, maybe how  
6 long does it take you to get to Harris Bay?

7           A.    Harris Bay is about an hour and a half by sailboat.  
8 So we got to -- we got to Harris Bay around -- about quarter  
9 after five, but we did spend a lot of time -- about forty-five  
10 minutes trying to find out what was going on in front of the  
11 Ethan Allen where it went down. We were about 150 to 200 yards  
12 away, and that's why I say when we took pictures, we took it  
13 with a zoom lens, but I don't know the quality of them.

14          Q.    Okay.

15          A.    But I do have pictures.

16          Q.    When you came out of the restaurant on your boat, I  
17 think you were just kind of explaining, but you came out and  
18 you noticed the scene, I would imagine and headed that way.

19          A.    We noticed the helicopters but we had to go that way  
20 anyway. We didn't head there on purpose.

21          Q.    Right.

22          A.    But when we did see all the helicopters flying over  
23 and the police boats, when we just got around the point, we  
24 could actually see from that point -- I don't know how far we  
25 got out, maybe a hundred yards or less than a hundred yards, we

1 started seeing a commotion, all the Lake George boats, you  
2 know, the squad out there, you know, the blue lights shining  
3 all over the place. Then we spotted the helicopter, and then  
4 the New York State helicopter came in, and we saw all the  
5 activity.

6 Q. Where -- did you see the Ethan Allen?

7 A. Did I recognize the Ethan Allen?

8 Q. Did you recognize the Ethan Allen?

9 A. No. I couldn't tell at that point what it was in the  
10 water I was seeing -- as a matter of fact, I even -- my first  
11 opinion was I believe I saw the parachute on the hookup boats  
12 that were out there, and I thought maybe it was a parachuter  
13 that collapsed and went in the water with all this commotion  
14 going on. I saw red and white that was down in the water, and  
15 I didn't know, and nobody was talking.

16 So until we made a phone call to her brother that we  
17 found out because he was a New York State trooper, he knew.

18 MR. S. QUIRK: Thank you.

19 BY MR. TURRELL:

20 Q. Can you roughly tell me from the time you arrived at  
21 the restaurant until the time you left how long you were at the  
22 restaurant?

23 A. I would say for two hours.

24 Q. Two hours? And how early in your stay in that two  
25 hours did you see the Ethan Allen? I mean, at what point did

1 you see the Ethan Allen in that two hours, early in the two  
2 hours?

3 A. Early in the two hours. It took longer to eat than  
4 we were sitting there when the Ethan Allen approached.

5 Q. So had you ordered yet? Had you already been served?

6 A. We didn't have any food on the table at that time. I  
7 don't think we had any drinks on the table at that time  
8 either --

9 Q. So you just really just sat down and you were just in  
10 the first few minutes?

11 A. You could tell that they were not ready to serve --

12 Q. Okay.

13 A. -- out of the kitchen yet.

14 Q. Do you recall who paid and if they paid by credit  
15 card and have a receipt --

16 A. Yes. Yes, they did. Brian Botchum, and don't ask me  
17 how to spell Botchum.

18 Q. So he paid by credit card, and he would have a timed  
19 receipt as to when you left the restaurant?

20 A. He might, yes.

21 Q. Okay.

22 A. I can give you his phone number.

23 Q. I'll get that off the record. Thanks.

24 MR. TURRELL: Okay. Brian?

25 BY MR. CURTIS:

1           Q.   Mike, you have a lot of experience from the lake; of  
2   all the bigger vessels, do any of them necessarily put out a  
3   bigger wake than -- you know, is it one big vessel, like oh,  
4   here they come --

5           A.   Yeah. We always watch for the main cruise line, you  
6   know, the bigger one because we have to play into the boat  
7   more. Is that the Mohican, the bigger one? Yes. And then  
8   there is a bigger one, isn't there now?

9           MR. S. QUIRK: Yeah. You're saying the bigger one.

10          MR. STAUFFACHER: I mean, the one encased in glass  
11   and the longer vessel. Is that the Mohican?

12          MR. S. QUIRK: Yeah. Or even my new one. They're  
13   all encased in glass.

14          MR. STAUFFACHER: Yeah. Well, I watch for both of  
15   them. I really do. When we cruise around, we know that  
16   there's at least a five-foot dip in the water, and we really  
17   get bounced around by that. We point right into it.

18          BY MR. CURTIS:

19          Q.   Let me expand on that a little bit. The height of  
20   the wake and how many wakes there are and whether they're a  
21   long slow wake or a short and steep, do you --

22          A.   Oh, boy. Now you're going into detail.

23          Q.   As best you can.

24          A.   When we pass by that boat, even the Mohican, when we  
25   point into it, we turn into the wake. We take a good dip into



1 it, and we bounce quite a bit. If you're on the front of the  
2 boat, we get a pretty good shot down and a pretty shot up,  
3 maybe on the boat, maybe three-and-a-half dip into another dip,  
4 but shortly after we go past or through, we usually start  
5 pointing our regular route. It's probably -- depending on how  
6 far you are away, the waves would -- I think they increase if  
7 I'm not mistaken. They might go to three to four to five  
8 waves -- but if you're closer, there's usually a two -- two  
9 dips on the back of it.

10 Q. So those large vessels are ones that you do  
11 realize --

12 A. Every time.

13 MR. CURTIS: Okay. That's all I have. Thank you.

14 MR. TURRELL: Liam? Walt?

15 BY SGT. SCHEDEL:

16 Q. Just to go back to the wake again real quick. You're  
17 looking at you're saying five foot, you're talking about from  
18 the top of the crest to the bottom of the trough being five  
19 foot?

20 A. No. I'm talking you're taking a jump five foot  
21 difference between your bow and coming down in and then coming  
22 bow out.

23 Q. Okay. And you do that once or twice if you're close  
24 to the boat and then three or four more times if you're not  
25 quite as close; is that what you're saying?

1           A.    Yes.

2           Q.    Okay.  What would the interval be between the tops of  
3   those waves, and I know you had asked that, but I didn't catch  
4   the answer if you got one.

5           A.    Oh.  Maybe eight foot.

6           Q.    Eight foot between the crests?

7           A.    Yeah.

8           Q.    Okay.

9           A.    Boy, you really -- that's -- now I'm going to pay  
10   attention more.

11                   (Laughter.)

12          Q.    Well, a lot of times, you relate it your boat.  I  
13   mean, your boat you said was what, 28 foot I think it was or  
14   twenty-six foot?

15          A.    Mine puts out a pretty good wake also.

16          Q.    Well, yeah, and for a twenty-six-foot boat, if you  
17   cross that wake in that twenty-six-foot boat, you know, you  
18   figure you're a twenty-six-foot boat, you're probably a good  
19   fourteen foot from the bow of that boat.  I mean, are you on  
20   top of the one crest as your boat is dipping into the next  
21   or --

22          A.    No.  My boat is digging in.

23          Q.    Okay.  So, basically, that first wave hasn't come  
24   halfway down your boat yet before you're on top of the next  
25   one? A.    Right.

1 Q. Okay.

2 MR. TURRELL: Yee-haw.

3 (Laughter.)

4 MR. STAUFFACHER: The vast experience with my boat, I  
5 have had a pontoon boat follow me up pretty good, and when I  
6 slow down, it makes a pretty -- it makes a bigger wake in the  
7 back, and the pontoon boat has people in the front, the very  
8 front.

9 I saw them do a corkscrew one day where the boat  
10 actually went into my wave, dug in, threw the people to the  
11 front of the boat. They almost went over the top of the boat,  
12 stopped like crazy.

13 The boat came back down, the back of the boat was up  
14 in the air, the motor was up in the area and then back down it  
15 went, and then the boat started up forward, and the person that  
16 was in the cockpit area, she was on the floor, and you know, I  
17 don't understand the way people do -- put everybody up in front  
18 because they want to see everything.

19 They almost got killed. That particular day, if they  
20 threw somebody out of that boat, that boat is going to run them  
21 over.

22 MR. TURRELL: Were they on the bow, like putting their  
23 feet in the water and that way?

24 MR. STAUFFACHER: No, no, no. They were --

25 MR. TURRELL: You know, I see that here, too.

1           MR. STAUFFACHER: I see it on Lake George all the  
2 time.

3           BY MR. TURRELL:

4           Q. I just have one last question, Mike. Going back and  
5 looking at my notes what you said earlier about the windows,  
6 and earlier, you said that you saw there were some windows and  
7 then there was some area where you could see into the boat.

8           A. On the very top of -- on the very top, I saw an area  
9 that was on top of the windows, on the very top down below the  
10 Bimini, I saw no windows here, but now if that was a shadow of  
11 the glass because of the Bimini shining on that, I'm not sure.  
12 Like I said, I saw the glare of the glass in this area where  
13 the people were sitting down to the top of the fiberglass that  
14 was here.

15          Q. Okay. Okay.

16          A. And I saw the reflection from there, not once but  
17 three or four times.

18          Q. Okay.

19          BY SGT. SCHEDEL:

20          Q. I just want to clarify one thing you said about the  
21 wave in the cruise ship, and you were saying you do happen to  
22 take notice of all cruise ships, as far as their waves and  
23 everything. Is there one cruise ship in particular than --

24          A. I see the Mohican out there most of the time. So --

25          Q. As far as their wake though that you have to

1 consider, is there one that -- one out of all the cruise ships  
2 that you have to worry about or just --

3 A. Just the Mohican --

4 Q. -- more than -- okay.

5 A. I see that the most and that travels north the most,  
6 and we see them quite a bit up even through the narrows and  
7 stuff.

8 Q. Okay.

9 MR. TURRELL: Do you see the Morgan up there, the  
10 Morgan operate?

11 MR. STAUFFACHER: I saw the Morgan a couple of times  
12 up there, but I see the --

13 MR. TURRELL: Do they put a wake out?

14 MR. STAUFFACHER: Sure, they do. Yes.

15 MR. TURRELL: And is that wake that the Morgan puts  
16 out any bigger or less than the Mohican?

17 MR. STAUFFACHER: No. I'd say they're both about  
18 equal.

19 MR. TURRELL: Anyone else? Okay. Michael, if you'd  
20 just acknowledge this is recorded and we'll end the interview.

21 MR. STAUFFACHER: Okay. I recognize that I'm being  
22 recorded.

23 MR. TURRELL: Okay. Thanks.

24 (Whereupon, the interview in the above-entitled  
25 matter was concluded.)

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:            Investigation of MV Ethan Allen  
                                 Lake George, New York  
                                 October 2, 2005  
                                 Interview of Michael Stauffacher

DOCKET NUMBER:            DCA 06 MM 001

PLACE:                      Lake George, NY

DATE:                        October 8, 2005

was held according to the record, and that this is the  
original, complete, true and accurate transcript which has been  
compared to the recording accomplished at the hearing.

\_\_\_\_\_  
Kathleen Price, AD/T 550  
Transcriber